

441—152.23(234) Contract administration.

152.23(1) Contract management. During the contract period, the assigned project manager designated in the contract shall be the contract liaison between the department and the provider. The project manager shall be contacted on all interpretations and problems relating to the contract and shall follow the issues through to their resolution. The project manager shall also monitor performance under the contract and shall provide or arrange for technical assistance to improve the provider's performance if needed. Report of On-Site Visit, Form 470-0670, shall be used to monitor performance under the contract. The project manager shall make at least one on-site visit to each provider of rehabilitative treatment or supportive services during the term of the contract. The on-site visit shall be coordinated with on-site visits scheduled to fulfill requirements for provider audit, licensing, and certification or other on-site visits required by the department. Site visits to out-of-state providers shall be made at the discretion of the service area responsible for administration of the contract.

152.23(2) Contract amendment.

a. The contract shall be amended only upon agreement of both parties except as provided for in paragraphs 152.23(2) "b," "c," and "d." Amendment of the Rehabilitative Treatment and Supportive Services Contract, Form 470-3053, shall be completed by the provider to amend the services being provided, unless the amendment is being processed with a contract renewal. If the amendment is being processed with a contract renewal, the amendment can be indicated on the contract face sheet as a "contract renewal and amendment" and Form 470-3053 does not need to be submitted, as the signature page of the contract renewal can serve as the approval mechanism with authorized signatures. A written explanation of the nature of the amendment shall be attached. Amendments to add a new service must meet the requirements of any licensing or certification required as indicated by issuance of a current certificate of approval. Effective January 1, 1998, the department shall only approve amendments to add a service to an existing contract for which a negotiated rate has been established.

b. Effective August 1, 1998, a contract may be unilaterally amended by the department to delete an existing service if agreement upon a negotiated rate is not reached in accordance with rule 441—185.112(234), except as provided for at 441—subrule 185.112(12). The department shall give the provider 30 days' notice of its intent to amend the rehabilitative treatment and supportive services contract between the provider and the department.

c. A contract may be unilaterally amended by the department to delete an existing service if certification or a required license for that service is revoked, denied or has been voluntarily withdrawn by the provider. The department shall give the provider ten days' notice of its intent to amend the rehabilitative treatment and supportive services contract between the provider and the department.

152.23(3) Contract renewal. A joint decision to pursue renewal of the contract shall be made at least 60 days prior to the expiration date. Each contract renewal requires one on-site visit by the project manager and documentation of an evaluation process through the use of Form 470-3054, Contract Renewal Evaluation Guide. The evaluation shall also include the use of other evaluation tools specified in the contract. The results of the evaluation shall be taken into consideration in the department's decision to renew the contract. Site visits to out-of-state providers shall be made at the discretion of the service area responsible for administration of the contract.

152.23(4) Contract termination.

a. The department may terminate the contract upon ten days' notice for cause except in the event of revocation of licensure, certification or imminent danger to clients, in which case the contract shall be terminated immediately upon notice. The provider or the department may terminate this contract without cause upon 30 days' notice. Notice of termination shall be provided by certified mail.

b. Causes for termination during the period of the contract are:

(1) Determination by the department that insufficient funds are available to continue the services involved.

(2) Failure of the provider to complete or submit required reports.

(3) Failure of the provider to make financial and statistical records available for review by the department or authorized party.

(4) Failure of either party to abide by the provisions of the contract.

(5) Failure to reach agreement on negotiated rates within 130 days of initiating rate negotiations in accordance with rule 441—185.112(234).

c. Within 20 days of any termination made under this clause, the provider shall supply the department with financial statements detailing all costs up to the effective date of termination. The sole and complete remedy of the provider shall be payment for services completed prior to the effective date of termination.